

Remarks

Claims 55-66 have been amended. Review and reconsideration in light of this Amendment are respectfully requested.

This Amendment substantially corresponds to the Amendment mailed January 18, 2005. In an Advisory Action mailed on February 9, 2005, the Office indicated that the Amendment mailed January 18, 2005 would not be entered because claim 67 would require further examination. Accordingly, this Amendment does not include claim 67 from that Amendment. Claims 55-66 have been amended to more clearly indicate that the claims provide limitations upon the claimed method. Because the amendment is believed to clarify the meaning of the claims and does not raise any new issues (since those claims have already been examined) it is submitted that this Amendment does not raise any new issues or require a new search.

Claims 55, 59 and 63 are rejected for failing to particularly point out and distinctly claim the invention. Each of claim 55, 59 and 63 specify that the storage deck has a strength sufficient to support at least about 1,750 pounds per square foot. The Office action indicates that it is unclear whether this limitation is intended to be directed to a stress localized point, or a load that is distributed over some area. The Office action also indicates that it is also unclear over what area this load would be applied.

However, this rejection is respectfully traversed, and it is submitted that claims 55, 59 and 63 are sufficient definite. In particular each of claims 55, 59 and 63 specifically indicate that the strength limitation is directed to a distribution over a defined unit of area. For example each of claims 55, 59 and 63 specify strength in terms of a load per square foot. Thus, if the load were to be applied over one square foot, the ramp could support 1,750 pounds. If the load were applied over two square feet, the ramp could support 3,500 pounds etc. The load can be applied in various manners. Because the claim limitation is expressed in lbs/square feet, once the exact nature in which the load is applied it can be easily determined whether the claimed ramp can support the load. Thus it is submitted that claims 55, 59 and 63 are not indefinite, and it is requested that the rejection thereto be withdrawn.

Claims 16-19, 27, 28, 33, 37-40 and 42-44 are rejected as defining obvious subject matter over U.S. Pat. No. 4,325,667 to Freeman in view of the Kalmar web site (cited in the Office action of April 3, 2003) and in view of U.S. Pat. No. 3,691,595 to Backteman et al. Claims 55-66 are rejected as defining obvious subject matter over U.S. Pat. No. 4,400,130 to Anttila in view of U.S. Pat. No. 3,794,196 to Terho.

The Office action indicates that claims 55-66 do not provide any further limitations upon the claimed method, but instead provide apparatus limitations. Accordingly, claims 55-66 have been amended to more clearly indicate that the claims provide limitations upon the claimed method. Because the amendment is believed to clarify the meaning of the claims and does not raise any new issues (since those claims have already been examined) it is requested that the amendment to those claims be entered.

Turning to the merits of the rejection of claim 55, it is noted that claim 16 (from which claim 55 depends) includes the step of securing the container to the deck. The Office action indicates that the Anttila reference discloses the securing step. Although the Anttila reference generally refers to a ro/ro process, applicant is unable to find any such disclosure in the Anttila reference disclosing that the containers are secured to the deck. Thus it is submitted that claim 16, as well as all claims depending therefrom, distinguish over the Anttila reference. Claim 16 also includes the step of providing a vehicle including a body portion and a spreader attachment, the gripping portion being capable of being raised and lowered, rotated, and inclined relative to the body portion. However, the device of the Anttila reference does not include a spreader portion. Instead, in the context of shipping it is well known that a spreader is a component specifically designed to grip a container at its corner castings. For example, the web page www.portoflosangeles.org/glossary.htm (attached to the Amendment of January 18, 2005) defines a spreader as "equipment designed to lift containers by their corner castings." The web

page printout http://www.danielislandnews.com/articles/a20000521_containers.htm (at page 3)¹ (included in the Amendment of January 18, 2005) includes use of the term "spreader" in a manner consistent with the definition.

In contrast, the Anttila reference discloses an assembly which can be utilized to wedge itself under a container 1 to lift the load 1 upwardly (as shown in Figs. 1a and 1d of the Anttila reference). Thus the assembly of the Anttila reference does not lift the container upwardly by the corner castings, and this assembly cannot be considered to be a spreader attachment under the meaning ascribed to that term by one of ordinary skill in the art.

In addition, the Anttila reference does not disclose a gripping portion that is capable of being raised and lowered, rotated, and inclined relative to the body portion. Instead the Anttila reference discloses a bogie assembly 4 which can be moved longitudinally along the length of the load 1, and which can be raised relative to the load 1.

Finally claim 55 specifies that the storage deck has a sufficient strength sufficient to support at least about 1,750 pounds per square foot. The Office action takes the position that it is "notoriously old and well known in the art to make a deck of sufficient strength to support 750 psf." However, claim 55 specifies that the storage deck has sufficient strength to support at least about 1,750 pounds per square foot, not the 750 psf specified in the Office action. Thus the subject matter of claim 55 is not shown in the Office action. In addition, it is submitted that the deck strength specified in claim 55 is not notoriously old and well known in the art, and to the extent official notice is taken of this feature such official notice is traversed. Instead, as specified at page 5, lines 12-14 of this application, this strength is *several times* the strength of the deck of a commercial roll-on, roll-off vessel.

The Office action takes the position that it would have been obvious to one of ordinary skill in the art to increase the strength of the deck in order to maximize the payload which can be carried on the deck and therefore increase revenue. However, the Office action does not produce

¹ It may be of interest to note that this article, at page 2, briefly discusses the innovation of containerization and its effect upon global shipping. The article correctly notes that Malcolm McLean was the innovator behind

any reference which discloses the claimed subject matter. In addition, the Office action does not cite to any reference which recites the desirability to increase the strength of the deck.

Furthermore, it is submitted that it is not a trivial change to increase the strength of the deck. For example adding additional strength to a deck presumably includes adding additional thickness to the deck, which reduces fuel efficiency and slows transit time. It is submitted that shippers are under great pressure to, in fact, minimize the weight of the barges, which teaches against any such modification.

As previously noted, the high strength of the deck of claim 55 allows the deck to accommodate the high weight of the reach stackers. However, none of the prior art discloses the use of a reach stacker driven onto a barge. Thus it is submitted that the Office action uses the present application as a template to reconstruct the invention in that there is no independent suggestion to increase the strength of the deck.

Thus because the features of base claim 16 are not shown in the cited art; because the parameters specified in claim 55 are not shown in the Office action, and are not old or notorious, and because the Office action does not provide sufficient motivation for the obviousness rejection, it is submitted that claim 55 is allowable and the rejection thereto is requested to be withdrawn.

Claims 59 and 63 are submitted to be allowable for similar reasons to those outlined above in the context of claim 55.

Claim 56 depends from claim 16 and specifies that the marine vessel has a beam at least about $\frac{1}{4}$ of its length to provide a relatively stable marine vessel. As a preliminary matter, as noted above the Anttila reference does not disclose several limitations of base claim 16 relating to the spreader portion and gripping portion as outlined above. In addition, the Office action takes the position that it is "notoriously old and well known in the art to build a ship with a beam of at least $\frac{1}{4}$ of the length." However, as noted at page 5, lines 17-24 of the application the beam-to-length ratio specified in claim 56 is approximately double that of a typical ocean going

vessel. Thus the position of the Office action in this regard is respectfully traversed, and to the extent official notice is taken of this feature such official notice is traversed. Thus it is requested that the Office provide a reference that discloses the claimed subject matter, provide a motivation to combine the references, etc. in the well-known manner of obviousness rejections.

The high beam-to-length ratio specified in claim 56 provides good stability to the vessel particularly because the vessels must support such high weight loads. For example, a reach stacker with a loaded container carries sufficient weight that, when the reach stacker is first driven on to a vessel, the vessel may have a tendency to tilt, or list, to the side of the reach stacker. The high beam-to-length ratio specified in claim 56 addresses this issue and allows loaded reach stackers to drive about the deck of the vessel while maintaining the stability of the vessel. Again, it is submitted that since applicant's disclosure teaches the driving of heavy reach stackers onto a vessel, the Office action uses applicant's disclosure as a template to reconstruct applicant's invention from old elements. Thus the subject matter of claim 56 has not been shown in the cited art, and it is submitted that the obviousness rejection of claim 56 should be withdrawn.

Claims 60 and 64 are submitted to be allowable for similar reasons to those outlined above in the context of claim 56.

Claim 57 depends from claim 16 and specifies that the ramp has a length of at least about 75 feet to reduce the angle of inclination of the ramp. Due to the very high weight loads of full containers, as well as the weight of the reach stackers, the ramp should have a low angle of inclination to ensure that the reach stackers can be safely driven over the ramp. The Office action takes the position that it is notoriously old and well known to use a ramp of at least 75 feet in length. However, applicant respectfully traverses this position, and to the extent official notice is taken of this feature such official notice is traversed. In particular applicant submits that the use of the claimed ramp in combination with the other subject matter of claim 57 is not shown in the cited art. Thus it is requested that the Office provide a reference that discloses the claimed subject matter, provide a motivation to combine the references, etc. in the well-known manner of

U.S. Serial No. 09/057,313
Attorney Docket No. 033449-002
Amendment After Final

obviousness rejections. Thus, it is submitted that the obviousness rejection of claim 57 should be withdrawn.

Claims 61 and 65 are submitted to be allowable for similar reasons to those outlined above in the context of claim 57.

Claim 58 depends from claim 16 and specifies that the marine vessel is a barge and has a pointed bow. The Office action takes the position that it is notoriously old and well known to use a barge with a pointed bow. However, applicant respectfully traverses this position, and to the extent official notice is taken of this feature such official notice is traversed. Thus it is requested that the Office provide a reference that discloses the claimed subject matter, provide a motivation to combine the references, etc. in the well-known manner of obviousness rejections.

As noted at page 5, lines 19-23 of this application, the pointed bow, in combination with the particular beam-to-length ratio, enables the barge 12 to be towed at speeds up to 50% above those of similar sized barges with the same horsepower tug. The Freeman reference discloses a barge (see Figs. 1 and 2) but the barge shown therein does not include pointed bow. Thus it is submitted that claim 58 defines over the cited references.

Claims 62 and 66 are submitted to be allowable for similar reasons to those outlined above in the context of claim 58.

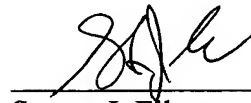
Thus, in sum, in view of the foregoing it is submitted that the claims define over the cited reference and that the application is in a condition for allowance, and a formal notice thereof is requested.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or to credit any overpayment to Deposit Account 20-0809. Applicant hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed

U.S. Serial No. 09/057,313
Attorney Docket No. 033449-002
Amendment After Final

in this application which requires an extension of time as incorporating a request for such an extension.

Respectfully submitted,



Steven J. Elleman
Reg. No. 41,733

THOMPSON HINE LLP
2000 Courthouse Plaza NE
P. O. Box 8801
Dayton, Ohio 45402-8801
(937) 443-6838
374593